

DIVISION II

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, Chief Judge

CA05-1083

May 10, 2006

LORETTA WEBB
APPELLANT

AN APPEAL FROM CARROLL COUNTY
CIRCUIT COURT
[NO. DR2003-164]

v.

LARRY WEBB
APPELLEE

HONORABLE ALAN EPLEY,
CIRCUIT JUDGE

REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD

Appellant Loretta Webb appeals from a divorce decree and asserts several errors regarding the trial court's division of property. Because we are unable to determine whether she has appealed from a final order, we remand for the purpose of settling and supplementing the record.

The divorce decree recites the following: "The two issues to be decided by the Court are property division and spousal support." The decree then goes on to divide numerous items of marital and non-marital property; however, the issue of spousal support is not addressed. On the possibility that the trial court's mention of support was a simple mistake, we looked to appellant's complaint to see if alimony had been requested. At that point, we discovered that, despite appellant's having designated the entire record on appeal, only one

page of her complaint was included. The six paragraphs on that page do not mention alimony. Yet, there is obviously more to the complaint, given that the copy in the record contains no signature page or prayer for relief and that appellee's answer purports to deny paragraphs seven and eight, neither of which are included on the page we have before us.

If, as indicated in the decree, appellant made a claim for spousal support, and that claim remains pending in the trial court, the order appealed from is not a final order, and this court has no jurisdiction to hear the appeal. *See* Ark. R. Civ. P. 54(b) (2005); *Hambay v. Williams*, 335 Ark. 352, 980 S.W.2d 263 (1998); *Strack v. Capital Services Group*, 87 Ark. App. 202, ____ S.W.3d ____ (2004). However, we cannot determine whether there is an unresolved claim — and thus, whether we have jurisdiction — until we are provided with a complete copy of appellant's complaint. We therefore remand to the trial court so that the record may be settled or supplemented in order to provide this court with a certified copy of the complaint. *See* Ark. Sup. Ct. R. 3-5 (2005); Ark. R. App. P. - Civil 6(e) (2005). Appellant has thirty days from today's date to file, with our clerk's office, a supplemental record containing the complaint.

Should it be determined on remand that there is indeed an additional claim pending, nothing in this opinion prohibits the entry of an order adjudicating or otherwise disposing of the claim, and that order, along with a notice of appeal therefrom, being included in the supplemental record to be filed within thirty days.

Remanded.

ROBBINS and BAKER, JJ, agree.